

WASHINGTON, DC -- Congresswoman Linda Sánchez, Chairwoman of the House Judiciary Subcommittee on Commercial and Administrative Law (CAL), issued the following opening statement today at the CAL Subcommittee oversight hearing on Protecting the Playroom: Holding Foreign Manufacturers Accountable for Defective Products. The CAL Subcommittee hearing examined ways for consumers to hold foreign manufacturers accountable for defective products.

“From the millions of toys recalled because of lead paint to last week's recall of Aqua Dots, a popular Chinese-made toy which converts into a dangerous 'date rape' drug when eaten, it has become increasingly clear that playrooms across the country are in danger. There is a growing business trend of sacrificing safety standards and quality for slightly cheaper imported products. While defective foreign-manufactured products entering into the U.S. is not a new phenomenon, I have been alarmed by the recent flow that's flooding our marketplace.

“Unfortunately, the Consumer Product Safety Commission, which is tasked with protecting consumers from harmful and dangerous products, appears to have done little to curb the flow of these problematic imports. In fact, the CPSC has actually cut its total staff by 55 percent and its budget by 49.4 percent since it was created in 1974. It now has fewer than 100 inspectors and investigators nationwide.

“Even more troubling was the recent release of records showing that CPSC employees have accepted a large number of trips financed by industries the Commission is mandated to regulate, calling into question its independence. I look forward to hearing from Pam Gilbert, former executive director of the CPSC, on how the Commission can more effectively do its job.

“Given the increase of imported products that do not meet U.S. standards for health, safety, and quality, and the fact that the CPSC has been largely ineffective in preventing the importation of defective products, consumers are left with little protection. When consumers are harmed by foreign-made products, current law leaves them little recourse in receiving compensation from a foreign manufacturer.

“Consumers seeking to hold foreign manufacturers accountable face a number of daunting barriers. First, a consumer must establish personal jurisdiction, an increasingly difficult task given the uncertainty of the law. A consumer must then navigate the complex service of process requirements when serving a manufacturer in a foreign country. This may include translating materials into the language of that country. Finally, even if the consumer succeeds in having the matter heard and winning a favorable judgment, collecting compensation may be difficult as most countries resist enforcing U.S. judgments.

“I look forward to hearing from our witnesses on how we can ensure that foreign manufacturers are held accountable for injuries consumers suffer as a result of defective products. As the holiday season comes upon us, we must do what we can to make certain it is both joyful and safe.

“Accordingly, I very much look forward to today’s hearing and to receiving the testimony from all of our witnesses.”